

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

10 | LEBARRON J. EDWARDS,

Petitioner.

V.

13 W.L. MONTGOMERY, Warden,

## Respondent.

Case No. LACV 15-8406-JAK (LAL)

## ORDER ACCEPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's  
18 Report and Recommendation, Petitioner's Objections and the remaining record, and has made a  
19 *de novo* determination.

20 To the extent Petitioner attempts to raise new claims in his Objections, this Court  
21 declines to consider the belatedly-asserted arguments. A district court has discretion, but is not  
22 required, to consider evidence or claims presented for the first time in objections to a report and  
23 recommendation.<sup>1</sup> Although Petitioner is pro se, he nevertheless had the opportunity to include  
24 all of his allegations at an earlier time, but failed to do so. Moreover, Petitioner's claims are not  
25 novel claims in an unsettled area of law.<sup>2</sup> Otherwise, Petitioner's Objections lack merit for the  
26 reasons stated in the Report and Recommendation.

<sup>28</sup> <sup>1</sup> See Brown v. Roe, 279 F.3d 742, 744-45 (9th Cir. 2002).

<sup>2</sup> See Sossa v. Diaz, 729 F.3d 1225, 1231 (9th Cir. 2013).

1 Accordingly, IT IS ORDERED THAT:

2 1. The Report and Recommendation is approved and accepted;

3 2. Judgment be entered denying the Petition and dismissing this action with

4 prejudice; and

5 3. The Clerk serve copies of this Order on the parties.

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7 DATED: May 25, 2017  
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9 HONORABLE JOHN A. KRONSTADT  
10 UNITED STATES DISTRICT JUDGE  
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